



Entered on Docket
November 09, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Hesperia II Loan**

Hearing Date: September 30, 2011

Hearing Time: 9:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Hesperia II Loan ("Hesperia II Loan") [DE 8883] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the

1 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the
2 borrower or from the collateral securing the Hesperia II Loan; and good cause appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 8883] is sustained; and

5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%
6 disallowed because those claims are based entirely upon an investment in the Hesperia II
7 Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust

Hesperia II Loan

Single Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In the Hesperia II (Southern California) Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-02012	Davis-Canepa, Shawntelle	C/O Laurel E Davis Lionel Sawyer & Collins 300 South Fourth St., Suite 1700 Las Vegas, NV 89101	Unknown	Unknown	0.00	0.00
10725-01678	Fetterly, Adam	1688 Bottlebrush Circle Roseville, CA 95747	40,000.00	40,000.00	32,000.00	8,000.00
10725-01676	Fetterly, Lynn L IRA	Po Box 5986 Incline Village, NV 89450-5986	79,000.00	79,000.00	63,200.00	15,800.00
10725-00141	Fraser, Edward C IRA	14220 Sorrel Ln Reno, NV 89511	25,000.00	25,000.00	20,000.00	5,000.00
10725-00895	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	33,561.44	33,561.44	26,849.15	6,712.29
10725-00830	Kenneth G Morgan Trustee	Kenneth G Morgan Living Trust 2147 Alisa Maria Way Las Vegas, NV 89104	26,028.62	26,028.62	20,822.90	5,205.72
10725-01070	O'Sullivan, Patrick Edward & Soon Young	7328 Gentle Valley St Las Vegas, NV 89149-1616	30,000.00	30,000.00	24,000.00	6,000.00
10725-01749	Rocklin/Redding LLC	Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno, NV 89509	150,000.00	150,000.00	120,000.00	30,000.00
10725-01762	Snopko 1981 Trust Dtd 10/27/81	Frank Snopko Teee 10 Kahuakai Place Lahaina, HI 96761-1999	250,000.00	250,000.00	200,000.00	50,000.00

EXHIBIT A

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